

**The following is a copy of the City of Walker Charter. Please contact the City Clerk's office for further questions.**

## **PREAMBLE**

We the people of the City of Walker, mindful of the ideals and labors of our predecessors in founding and developing this community and desiring to promote and advance its further growth, do ordain and establish this Home Rule Charter.

## **CHAPTER I**

### **Incorporation – Boundaries Subdivisions**

**Section 1.1 Incorporation and Boundaries.** The territory described below, together with other territories which may be subsequently added thereto shall be a municipal corporation organized under the laws of Michigan and known as the City of Walker:

Commencing on the South line of Section 12, Town 7 North, Range 12 West at the point of intersection with the center line of Grand River, thence West to the North quarter corner of Section 14, thence South to the N1/8 line of Section 14, thence West to the East line of Section 15, thence North 432 feet, thence West 660 feet, thence North 228 feet, thence West 660 feet, thence North 660 feet, thence West to the Southeast corner of Section 9, thence North 33 feet, thence East 1,320 feet, thence North 188 feet, thence West 924 feet, thence North 142 feet, thence West 396 feet, thence North to the East quarter corner of Section 9, thence West to the

West 1/8 line of Section 9, thence South to the North line of Section 16, thence East to the North quarter corner of Section 16, thence South to the North 1/8 line of Section 16, thence West to the Southeast corner of the Northwest one-quarter of the Northwest one-quarter of Section 16, thence South to the East and West quarter line of Section 16, thence West to the East line of Section 17, thence South on the East line of Section 17 to the North line of Germeraad Plat, thence West to the West line of Germeraad Plat, thence South to the South line of Section 17, thence East to the Northwest corner of Section 21, thence South to the West quarter corner of Section 21, thence West to the East 1/8 line of Section 20, thence South to the South line of Section 20, thence East to the Northwest corner of Section 28, thence South to the North 1/8 line of Section 28, thence East to the Southeast corner of the Northwest quarter of the Northwest quarter of Section 28, thence South to the East and West quarter line of Section 28, thence East to the center of Section 27, thence South to the South 1/8 line of Section 27, thence East to the Southeast corner of the Northwest quarter of the Southeast quarter of Section 27, thence South to the Northeast corner of the South half of the Southwest quarter of the Southeast quarter of Section 27, thence West to the North and South quarter line of Section 27, thence South to the South quarter corner of Section 27, thence continuing South in Section 34 for a distance of 330 feet, thence West 400 feet, thence South parallel with the North and South quarter line to the center line of Butterworth Road, thence Westerly on the center line of Butterworth Road to the West section line of Section 34, thence South on the West line of Section 34 and the West

line of Section 3 to the center line of Grand River, thence Westerly along the center line of Grand River to the center line of Maynard Avenue (extended), thence Northerly along the center line of Maynard Avenue to the center line of Butterworth Road, thence Easterly along the center line of Butterworth Road to the North and South quarter line of Section 33, Town 7 North, Range 12 West, thence North to the center line of O'Brien Road, thence West along the center line of O'Brien Road to the center line of Wilson Avenue, thence North along the center line of Wilson Avenue to the center line of M-50, thence West along the center line of M-50 to the center line of Kenowa Avenue, thence North along the center line of Kenowa Avenue to the center line of Waybury Street, thence East along the center line of Waybury Street to the center line of Wilson Avenue, thence North along the center line of Wilson Avenue to a point 330 feet North of the center line of Richmond Street, thence East parallel to the center line of Richmond Street to the West line of Section 9, thence North to the North line of Section 9, thence East along the North line of Sections 9 and 10 to the center line of Walker Road, thence Southerly along the center line of Walker Road to the East and West quarter line of Section 10, thence East along the East and West quarter line to a point 660 feet West of the Center line of Bristol Avenue, thence North parallel with the center line of Bristol Avenue to the center line of Three Mile Road, thence North 375 feet, thence East parallel with the North line of Sections 11 and 12 to the Westerly line of the Pennsylvania Railroad right of way, thence Northerly along the Westerly line of the Pennsylvania Railroad right of way to the North line of Section 6, Town

7 North, Range 11 West, thence East to the center line of Grand river, thence Southerly along the center line of Grand River to the place of beginning, all in Walker Township, Kent County, Michigan.

**Section 1.2 Wards.** The City of Walker shall be divided into three wards, as follows:

The First Ward shall embrace all that part of the City of Walker aforesaid lying East of the center line of Peachridge Avenue; and that part of the City of Walker lying east of the center line of Elmridge Avenue and south of the center line of Three Mile Road.

The Second Ward shall embrace all that part of the City of Walker aforesaid lying West of the center line of Peachridge Avenue and North of the center line of Leonard Street, except that part lying east of the center line of Elmridge Avenue and south of the center line of Three Mile Road; and that part of the City of Walker lying north of the south line of the north  $\frac{1}{2}$  of Section 19.

The Third Ward shall embrace all that part of the City of Walker aforesaid lying South of the center line of Leonard Street, except that part of the City of Walker lying north of the south line of the north  $\frac{1}{2}$  Section 19.

**Section 1.3 Changes in Wards.**

a. When the population of any ward of the City as shown by any regular decennial Federal census exceeds the population of any other ward by 50% or more, the Commission shall submit to the electorate of the City at a regular City election within three years after the taking of such census a proposition to amend this Charter by redefining the boundaries of the wards herein established in such a manner as to reasonably equalize the population

thereof; provided that nothing herein contained shall preclude the submission of a proposition to amend this Charter to redefine the boundaries of the wards at any other time.

b. Whenever territory is added to the City, the Commission shall by ordinance or resolution determine whether such territory shall be added to the existing ward or wards or shall constitute a new ward, and shall also take such other steps as shall be necessary to confer upon the inhabitants of such territory all the rights and privileges enjoyed by the other inhabitants of this City.

**Section 1.4 Election Precincts.** The Commission shall by ordinance or resolution from time to time or as otherwise required by law establish convenient election precincts in each ward. Until otherwise ordered, the election precincts within the territory constituting the City on the date this Charter is adopted shall continue.

## CHAPTER II

### City Commission

**Section 2.1 City Governing Body.** All legislative, administrative, and policy-forming powers of the City shall be vested in and exercised by a City Commission which shall consist of a Mayor nominated and elected from the City at large and six Commissioners nominated and elected two from each ward respectively. In all cases where the word "Commission" is used in this Charter, it shall mean the City Commission and be synonymous with any term employed by any State or Federal law referring to the legislative or governing body of the City.

**Section 2.2 Election and Term of Office.** Except for the first Mayor and Commissioners elected at the time of the adoption of this Charter, the Mayor shall serve a term of two years provided, however, that commencing with the November 2001 regular City election, the Mayor shall serve a term of four years, and the Commissioners shall serve a term of four years. The term of office of any City elected official shall commence at eight o'clock P.M. on the Monday following the date of the election at which he was elected.

**Section 2.3 Judge of Qualifications of Members.** The Commission shall be the judge of the eligibility and qualification of its own members, subject only to review by the courts.

**Section 2.4 Remuneration of Mayor and Members of the Commission.** The Mayor shall receive a salary of \$500.00 per year and the Mayor and members of the Commission shall be paid \$15.00 for each meeting attended which shall be the only compensation paid by the City to such Mayor and Commissioners for the performance of the official duties of their offices during their terms of office. Upon authorization of the Commission, reasonable expenses may be allowed to the Mayor and any Commissioner when incurred on behalf of the City.

**[Pursuant to Section 5c of the Home Rule Cities Act (MCL 117.5c), the City Commission adopted an ordinance in 1977 to establish the Local Officers Compensation Commission (LOCC). In every odd-numbered year, the LOCC determines the salaries of all elected officials of**

**the City. The determination of the LOCC becomes effective 30 days after filing with the City Clerk unless the City Commission rejects the determination by a two-thirds vote. This procedure supersedes the salaries of the Mayor and Commissioners set forth in this section of the Charter.]**

### **Section 2.5 Functional Duties of the Mayor.**

a. Insofar as required by law and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the City and shall preside over all meetings of the Commission and preserve order thereat and shall have and exercise all powers granted to mayors of cities by the State law or by this Charter.

b. He shall be a conservator of the peace and may in the event of emergency or disaster exercise within the City the Powers conferred upon sheriffs to suppress disorder and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorderly conduct.

c. He shall have an equal voice with other members of the Commission upon all matters before the Commission for consideration. He shall vote on all such matters and shall have no power to veto.

d. He shall have all powers relative to matters of civil defense as are provided by State and Federal law or directives.

e. He shall authenticate by his signature such instruments as the Commission, this Charter or the laws of the State of Michigan or the United States may require.

### **Section 2.6 Mayor Pro Tem.**

The Commission shall at its first regular meeting following each regular election select one of its members to serve as mayor pro tem. The mayor pro tem shall perform the duties of the Mayor when, because of absence from the City, disability or otherwise, the Mayor is temporarily unable to perform the duties of his office, and he shall succeed to the office of Mayor in the case of vacancy in that office. The mayor pro tem shall preside over the meetings of the Commission during the absence of the Mayor and shall preside on the call of the Mayor. In the event that a vacancy occurs in the office of mayor pro tem, the Commission shall appoint one of its elected members to fill such vacancy.

### **Section 2.7 Meetings of the Commission.**

a. The Commission shall hold at least two regular meetings each month, both of which shall be held in the evening at a time and at such place as shall be established by resolution. All meetings of the Commission shall be public.

b. Special meetings of the Commission shall be called by the clerk on the written request of the Mayor or any two Commissioners, on at least six hours' written notice to each member of the Commission designating the time and purpose of such meeting, served personally or left at his usual place of residence by the clerk or someone designated by him. Notwithstanding the foregoing, any special meeting of the Commission shall be a legal meeting when all members of the Commission are present or when all of the absent members of the Commission shall have

waived in writing the requirement that notice be given of such special meeting prior to the time it is convened.

c. No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting.

d. The rules of order of the Commission shall provide that all citizens who are present shall have a reasonable opportunity to be heard.

e. A majority of all of the members of the Commission shall be a quorum for the transaction of business at all such meeting of the Commission, but in the absence of a quorum any number of members less than a quorum may adjourn any regular or special meeting to a later date and, in the absence of all members, the clerk may adjourn any meeting for not longer than one week.

f. Except where otherwise required by law or by the provisions of this Charter, no ordinance or resolution shall be adopted or passed nor shall any appointment be made or any person removed from office as required or permitted by this Charter except upon the affirmative vote of at least a majority of the members of the Commission.

g. The Commission shall determine its own rules and the order of its business and shall keep a journal in the English language of all of its proceedings which shall be signed by the clerk after approval thereof by the Commission. The vote upon the passing of all ordinances and upon the adoption of all resolutions shall be taken by "yes" or "no" votes and shall be entered upon the record, except that where the vote is

unanimous it shall only be necessary to so state. The public shall have access to the minutes and records of all regular and special meetings of the Commission at all reasonable times.

h. The Commission shall provide by resolution for such standing committees as shall be required for the proper conduct of the duties and functions of the Commission and shall have authority to constitute special committees when needed.

i. The proceedings of the Commission or a brief summary thereof, shall be published within ten days following each meeting. Such summary shall be prepared by the clerk and shall show the substance of each separate proceeding of the Commission.

j. Any two or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or any other office who when notified of such request for his attendance, fails to attend such meeting for any reason other than those which shall be approved by the Commission shall be guilty of misconduct in office unless excused by the Commission. The presiding officer shall enforce orderly conduct at meetings of the Commission and any member or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office. Any police officer or other person designated by the presiding officer at the meeting shall serve as the sergeant at arms of the Commission in the enforcement of the provisions of this Section.

k. No member of the Commission shall vote on any question in which he has a financial interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote when so required by this paragraph shall be guilty of misconduct in office.

**Section 2.8 Public Health and Safety.** Through the established departments and agencies of the City government, together with any such departments or agencies as may be created under the authority of this Charter or by law, the Commission shall provide for the public peace, health and for the safety of persons and property. Unless a board of health is validly established for the City, the Commission shall constitute the board of health for the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by law.

**Section 2.9 Licenses.** The Commission shall, by ordinance, prescribe the terms and conditions upon which licenses may be granted, suspended or revoked and may require the payment of such sums as it may deem proper for the granting and continuing of such licenses.

**Section 2.10 Publication.** The Commission shall determine the method of publication of all notices, ordinances and proceedings for which a method of publication is not prescribed by this Charter or by law.

**Section 2.11 Cemeteries.** The Commission shall have power to enact all ordinances deemed necessary for the establishment, maintenance and protection of cemeteries, together with improvements thereon and appurtenances thereto, which are owned or hereafter acquired by the City either within or without its corporate limits. The Commission shall have power to enact ordinances for the regulation of cemeteries within the City, both public and private. All such ordinances shall apply equally to cemeteries within the City belonging to or under the control of any church or religious society or to any corporation, company or association. The Commission may provide by ordinance that any bodies buried within the City in violation of any rules or ordinance made with respect to burials shall be taken up and reburied in such manner as shall conform with the ordinances of the City.

**Section 2.12 Streets, Alley, and Public Places.** The City shall have and exercise the control over all its streets, alleys and public places. Except insofar as limited by State law or other provisions of this Charter, the Commission shall have the power to establish, vacate, use, control and regulate the use of its streets, alleys, bridges and public places, whether such public places be located within or without the limits of this City and the space above and beneath them. Such power shall include but shall not be limited to the proper policing and supervision thereof, the licensing and regulation or the prohibition of the placing of signs, awnings, awning posts and other things which are of such a nature to impede or make dangerous the

use of such streets, alleys and public places of the City; and the licensing and regulation of the construction and the use of openings in its streets and alleys and the sidewalks and curbs thereof, and all vaults, structures and excavations under the same. When the Commission shall deem it advisable to vacate, discontinue or abolish any public place, street or alley or any part thereof, it shall by resolution so declare and in such resolution, shall appoint a time not less than thirty days thereafter when the Commission shall meet and hear objections thereto. Notice of such hearing and of the purpose therefore shall be published not less than once in each of the three calendar weeks preceding such hearing in a newspaper published or of general circulation in the City. Objections to such declared action of the Commission shall be filed with the clerk in writing. If any such objection shall be filed, such public place, street or alley or any part thereof shall not be vacated, discontinued or abolished except by affirmative vote of five members of the Commission.

**Section 2.13 Gifts and Trusts.** The Commission may in its discretion receive and hold any gift or bequest made to the City or to any officer or board or department thereof for any municipal purposes and shall apply the same in accordance with the terms and conditions of such gift and may, by contract or otherwise, if permitted by or consistent with the terms of the gift or bequest, transfer any such gift or bequest to or permit such gift or bequest to remain in the hands of any person, group or persons, or corporation to administer the same for the benefit of the City in accordance with the terms and conditions of such gift or bequest.

**Section 2.14 Rights as to Property.** The Commission shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction, or otherwise either within or without its corporate limits and either within or without the corporate limits of the County in which it is located, property of every type and nature which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the City government as established in this Charter or by law, and to lease, sell or dispose of the same subject to any restrictions placed thereon by law.

**Section 2.15 City Contracts and Purchases.** The Commission shall be responsible for the control and letting and making contracts and shall provide by ordinance the necessary procedures governing the making of such contracts. No materials, supplies or public improvements costing more than One Thousand dollars shall be purchased except after competitive prices shall have been obtained or requested. The Commission in its discretion shall have the right to reject any and all bids for work or for the furnishing of materials or supplies to the City.

**Section 2.16 Restrictions on the Powers of the Commission.** The Commission shall not have the power to make any contract with or to give any official position to any person who is in default in any obligation to the City.

**Section 2.17 Investigations.** The Commission or any committee authorized by it for such purpose shall have the power to inquire into the conduct of any department, office or

officer of the City and to make investigation as to municipal affairs, and for that purpose may summon witnesses to appear before the Commission or such committee of the Commission to give information under oath pertinent to such inquiry, to administer oaths and to require the production of books, papers and other evidence. Any officer or employee of the City who shall fail or refuse to obey such summons or to produce such books, papers or other evidence as may be ordered or required to be produced, shall on conviction thereof in any court of competent jurisdiction be subject to a fine of not more than a hundred dollars or imprisonment of not more than ninety days, or both, in the discretion of the court and may be removed from any official position with the City by the Commission.

## **CHAPTER III**

### **General Municipal Powers**

**Section 3.1 General Powers of the City.** The City of Walker and its officers shall possess and be vested with each and all the powers, privileges, and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise under the constitution and laws of the State of Michigan. It is hereby declared to be the intent of the Charter Commission in framing this chapter and of the electors of the City who voted thereon, in adopting it, to include all such powers, privileges, and immunities within the scope of the powers granted to the City of Walker by the provisions of this Charter. The City and its Commission and officers shall have power to exercise each and all such municipal powers in

the management and control and for the maintenance, development and operation of municipal property and in the administration of the municipal government, whether they be expressly enumerated or not; for the use, regulation, improvement and control of its streets, alleys, and public ways, and of the space above and below them; to do any act to advance the interests of the City, the good government and prosperity of the municipality and of its inhabitants; to provide for the public peace, health, and recreation, and for the safety of persons and property, and through its regularly constituted authority to pass and enforce all laws ordinances and resolutions relating to its concerns, subject to the Constitution and the general laws of the State of Michigan or the provisions of this Charter.

#### **Section 3.2 Exercise of Powers.**

All powers granted to and possessed by the City shall be exercised as provided in this Charter or by State law. Where no procedure is set forth in this Charter or in the State law for the exercise of any power granted to or possessed by the City and its officers, the Commission may provide a procedure for the exercise thereof by ordinance, or resort may be had to any applicable procedure set forth in any statute of the State of Michigan which has been enacted for the government of any political subdivision of the State or for the exercise of such powers by the State itself.

**Section 3.3 Intergovernmental Contracts.** The City shall have power to join with any municipal corporation, school district, or State agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law for the ownership,

operation or performance, jointly or by any one or more on behalf of all of any property, facility, service, or recreational program which each would have the power to own, operate, perform, or conduct separately.

The City shall have the right to contract with any person or with any other municipal corporation to furnish to property, outside the corporate limits of the City, for an adequate consideration and within limitations imposed by law, any lawful municipal service which it is furnishing to property within its corporate limits.

## **CHAPTER IV**

### **City Legislation**

**Section 4.1 Status of Charter.**  
This Charter shall constitute the basic law of the City of Walker, subject only to the Constitution and general laws of the State of Michigan and the United States of America.

**Section 4.2 Prior Legislation.**  
All ordinances, resolutions, rules and regulations of the Township of Walker which are not inconsistent with this Charter and which cities are by law authorized to make which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. Wherever such ordinances, resolutions, rules and regulations provide for enforcement or control by any officer of the township, the enforcement and supervision of the subject matter of the ordinance shall be vested in the officer of the City who under the provisions of this Charter has control of the particular matter, provided, however, that if there is any

question concerning which officer shall have such jurisdiction, then the Commission shall make the determination as to the department or the officer to be vested with such control.

**Section 4.3 Form of Legislation.**  
All legislation of the City of Walker, other than in this Charter, shall be by resolution or by ordinance. The word "resolution" as used in this charter shall be the official action of the Commission in the form of a resolution or a motion which does not constitute an ordinance or a step in the adoption of an ordinance, and such action shall be limited to matters required or permitted to be done by resolution by this Charter or by applicable law and to matters pertaining to the internal affairs or concerns of the City government. All other acts of the Commission and all acts carrying a penalty for the violation thereof shall be by ordinance.

**Section 4.4 Ordinance Procedure.** Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form and the style of all ordinances passed by the Commission shall be "The City of Walker ordains." Except in the case of any ordinance which the Commission by affirmative vote of not less than five members declares to be an emergency ordinance, no ordinance shall be finally passed by the Commission until at least two weeks have elapsed following the introduction thereof. Any ordinance may be repealed by reference to its number and title. All of the requirements for the original adoption of any ordinance shall apply to the amendment of any ordinance. All ordinances or amendments of ordinances

when enacted shall be immediately recorded by the clerk in "the Ordinance Book" and it shall be the duty of the mayor and the clerk to authenticate such record by their official signatures thereon.

**Section 4.5 Publication of Ordinances.** Each ordinance passed by the Commission shall be published at least once after its adoption by the Commission before it shall become operative. In the event that an ordinance is more than one thousand words in length, it may be published by placing not less than one hundred copies thereof in the office of the clerk for public distribution and inspection and by publishing notice of such fact in a newspaper having general circulation in the City. The date upon which an ordinance shall become operative shall be provided in the ordinance, but no ordinance shall become effective before publication thereof except in the case of ordinances given immediate effect as provided by Section 4.4 hereof. Publication of any ordinance as required herein may be accomplished by the publication of such ordinance after its final passage as a part of the published proceedings of the Commission.

**Section 4.6 Penalties for Violation of Ordinances.** The Commission may provide in any ordinance for the punishment of those who violate its provisions. The punishment for such violation shall not exceed a fine of five hundred dollars or imprisonment for a term of ninety days or both in the discretion of the court. Except as otherwise provided in this Charter, all proceedings relative to the arrest, custody and trial of persons accused of violations of the provisions of

the laws and ordinances of this City shall be governed by and conform as near as may be to the provisions of law relative to proceedings in criminal cases cognizable by justices of the peace or by municipal courts. Imprisonment for the violation of this Charter or of any City ordinance or for misconduct in office may be in the county jail or city prison or in any workhouse or prison of the State authorized by law to receive prisoners of the City.

**Section 4.7 Time Limit for Prosecution of Ordinance Violations.** Prosecutions for violation of the ordinances of the City shall be commenced within two years after the commission of the offense.

**Section 4.8 Technical Codes.** The Commission may adopt, as a City ordinance, any provision of state law or any detailed technical code or set of regulations which has been promulgated by the State of Michigan, or by departments, boards or agencies thereof or by any organization or association which is organized and conducted for the purpose of developing any such code or set of regulations, by reference thereto in any adopting ordinance and without publishing such technical code or set of regulations in full; Provided, That such code or set of regulations is fully identified in said ordinance and that the purpose of said code or set of regulations shall be published with the adopting ordinance and that printed copies thereof are kept in the office of the Clerk, available for distribution to the public at all times. Such publication shall contain notice to the effect that a complete copy of said code or set of regulations is available for public use and inspection in the office of the Clerk.

**Section 4.9 Copies of Ordinances for Compilation and Codification Thereof.**

- a. Copies of all ordinances enacted and amendments to the City Charter adopted after the effective date of this Charter shall be available at the office of the Clerk.
- b. Within two years after the adoption of this Charter, and at least once in every ten years thereafter, the Commission shall direct and complete the compilation or codification and the publication of the Charter and of all ordinances of the City then in force, in loose leaf or pamphlet form, and may provide for the reasonable charge for copies thereof. In case the codification or compilation shall have been maintained current and up to date during any ten-year period, no recompilation or recodification of the ordinances of the City shall be required during or at the end of such period. The adoption of any such code by the Commission shall constitute a repeal of all ordinances of the City which are in existence and effective at the time of such adoption without further action or reference thereto by the Commission, unless any of such ordinances be specifically continued by the provisions of such code.
- c. Copies of ordinances and of any compilation code, or codes referred to in this chapter may be certified by the Clerk and when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

**Section 4.10 Initiative and Referendum.** An ordinance may be initiated or a referendum on an ordinance enacted by the Commission may be had by a petition as hereinafter provided.

**Section 4.11 Petitions.** A petition initiating an ordinance or requesting a referendum on an ordinance shall be signed by a number of registered electors of the City equal to not less than fifteen per cent of the number of electors of the City who voted for governor of the State of Michigan at the last fall election held in the State. Upon the request of any person circulating such a petition, it shall be the duty of the City Attorney to give his opinion thereon promptly as to whether it complies with the requirements of the chapter as to the form of the petition and the form of the proposed ordinance. If he finds that it does not so comply, he shall give his reasons therefore in writing. No such petition need be on one paper but may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name and shall place thereon, after his name, the date and place of his residence by street and number, or by other customary designation. To each petition paper there shall be attached an affidavit that each signature thereon is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten days, canvass the signatures thereon to determine the sufficiency thereof. No signature on any petition initiating an ordinance or requesting a referendum on an ordinance shall be counted in the canvass thereof which was signed more

than six months prior to the date on which such petition was filed with the Clerk or in case the date following such signature has been altered in any manner. If any such petitions shall be found to contain an insufficient number of signatures of registered electors of the City or to be improper as to form or not to be in compliance with the provisions of this section, the Clerk shall notify the person filing such petition forthwith, and ten days from the notification shall be allowed for the filing of supplemental petition papers in default of which the petition shall be of no further force or effect. When found sufficient and proper, the Clerk shall certify such fact on the petition or not less than one paper thereof, indicating the date and time of such certification, and shall present the petition to the Commission at its next regular meeting.

#### **Section 4.12 Commission**

**Procedures.** Upon receiving a petition initiating an ordinance or requesting a referendum on an ordinance from the Clerk, the Commission shall, within thirty days, either:

(a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the City and provide for the holding of an election thereon; or

(b) If it be a referendary petition, repeal the ordinance to which the petition refers to determine to submit the proposal to the electors of the City and provide for the holding of an election thereon.

#### **Section 4.13 Submission to Electors.** Should the Commission decide to submit the proposal to the electors in either case, it shall be

submitted at an election to be held not less than forty days, nor more than ninety days, after the date of action thereon by the Commission: Provided, That, if any election other than a school election is to be held in the City for any purpose whatsoever within one hundred and twenty days after such action by the Commission, such proposal shall be submitted to the electors of the City at such election. If such proposal must be submitted at a special election and no such election may be held in the City because of any limitation thereof imposed by law, then such proposition shall be submitted to the electors of the City at the next election other than a school election held in the City for any purpose whatsoever. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the Constitution or laws of the State of Michigan.

#### **Section 4.14 Ordinance**

**Suspended.** The certification by the Clerk of the sufficiency of a petition for referendum containing a number of signatures equal to twenty-five percent of the registered electors of the City as of the date of the last regular City election shall automatically suspend the operation of the ordinance pending repeal by the Commission or final determination by the electors as the case may be.

#### **Section 4.15 Initiated**

**Ordinance.** An ordinance adopted through initiatory proceedings may not be amended or repealed by the Commission for a period of two years after the date of the election at which it was adopted. Should two or more ordinances, adopted at the same

election, have conflicting provisions, the one receiving the provisions, the one receiving the highest vote shall prevail as to those provisions.

## **CHAPTER VII**

### **General Provisions Affecting Officers of the City**

**Section 7.1 Officers to be Elected.** The elective officers of the City shall be a Mayor elected from the City at large for a term of two years, provided, however, that commencing with the November, 2001 regular City election, the Mayor shall be elected for a term of four years, two Commissioners elected from each ward for terms of four years, a Clerk elected from the City at large for a term of four years (commencing with the November 2, 1999 regular City election), and two Supervisors elected from the City at large for a term of four years. The City Commission shall set the compensation of each elective officer whose compensation is not fixed by this Charter. Such compensation shall be so fixed by the Commission for each term of office not later than thirty days before the final date for filing nominating petitions prior to each regular election date on which the office is to be filled: Provided, That, if the Commission does not act within the time so limited, the compensation thereof shall remain as last fixed by the Commission. Annual salaries of the first City Clerk and the first Treasurer respectively shall be the same as the salary of the Walker Township Clerk

and Township Treasurer for the fiscal year ended March 1962.

#### **Section 7.1A Term Limits**

No person shall be eligible to be elected as a City Commissioner of any Ward if that person has served as a City Commissioner of any Ward for two terms. No person shall be eligible to be elected as Mayor if that person has served as Mayor for two terms. A person is eligible to be elected as a Ward City Commissioner for two terms and an additional two terms as Mayor. Serving more than two years of a term to which some other person was elected shall be considered a term.

**Section 7.2 Officers to be Appointed.** The appointive officers of the City shall be one Supervisor to be appointed by the Commission from among the Commissioners or elective or administrative officers of the City to serve for a term of two years, a City Assessor and three members of the Board of Review to be appointed by the City Commission for a term of one year, a City Attorney, a Fire Chief, a Health Officer and a Treasurer to be appointed for indefinite terms and to be responsible to and to serve at the pleasure of the Commission, and a Police Chief to be likewise appointed for an indefinite term, provided that the City may, upon authorization of the City Commission and to the extent permitted by law, request the sheriff of Kent County under contract to furnish police protection to the City and to enforce all legal ordinances. One or more assistants to the Assessor may be appointed by the Commission when deemed necessary. The Commission may create additional appointive officers of the City or may combine any

appointive offices in any manner not inconsistent with State law and prescribe the duties thereof.

**Section 7.3 City employees.** All personnel employed by the City, who are not elected officers or declared to be appointive officers by or under authority of this Charter, shall be deemed to be employees of the City.

**Section 7.4 Eligibility for Office in the City.** No person shall hold any elective office of the City unless he has been a resident of the City for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of his appointment to fill a vacancy. No person shall hold any elective office unless he is a qualified and registered elector of the City on the last day for filing or at the time of appointment and remains so throughout his tenure of office. No person shall be eligible for any elective or appointive office who is in default to the City and any such default shall create a vacancy in the office unless it is eliminated within thirty days after notice thereof from the Commission or is being contested in good faith by such person.

**Section 7.5 Certain elective Officers Ineligible.** No elective officer of the City shall be eligible for appointment to any City office or employment until one year has elapsed following the term for which he was elected unless his appointment thereto be approved by a two-thirds vote of the Commission.

**Section 7.6 Vacancies in Office.** Any City office shall become vacant before the expiration of the term of

such office for any one or more of the following reasons:

- (a) The occurrence of any event or the doing of any act specified by State law to create a vacancy;
- (b) Removal from office by the Governor of Michigan;
- (c) The absence from the City of any officer continuously for more than sixty days without permission of the Commission;
- (d) In the case of the Mayor and Commissioners, absence from four consecutive regular meetings of the Commission or from twenty five percent of such meetings in any fiscal year of the City, unless such absence shall be excused by the Commission at the time it occurred and the reason therefore entered in the proceedings of the Commission;
- (e) Assumption by the officer of any office which is incompatible with the City office held by him.

**Section 7.7 Removals by Commission.** When the Commission shall be satisfied from sufficient evidence submitted to it that such officer has been guilty of official misconduct willful neglect of or gross inefficiency in the performance of his duties as an officer of the City, the Commission shall take action for his removal under proceedings permitted by State law.

**Section 7.8 Resignations.** Resignations of elective or appointive officers shall be made in writing and filed with the Clerk and shall be acted

upon by the Commission at its next regular meeting following receipt thereof by the Clerk.

**Section 7.9 Recall.** Any elective official may be removed from office by the electors of the City in the manner provided by the general laws of the State. A vacancy created by the recall of an elective official shall be filled in the manner prescribed by law.

**Section 7.10 Filling Vacancies.** If a vacancy occurs in any elective office, the Commission shall, within thirty days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office to serve until the first meeting of the Commission following the meeting of the Commission to canvass the votes of the next city election. In the event that a vacancy occurs in the Commission within thirty days prior to a regular City election, such vacancy shall not be filled by the Commission until the first meeting after its organization meeting following such election.

If a vacancy occurs in any appointive office, such vacancy shall be filled within thirty days thereafter in the manner provided for making the original appointment.

**Section 7.11 Term of Office Cannot Be Shortened or Extended.** Except by procedures provided in this Charter, the terms of the elective officials of the City and officers of the City appointed for a definite term shall not be shortened. The terms of officers of the City may not be extended beyond the period for which any such officer was elected or appointed except that, with the consent of the Commission, an

elective officer of the City may continue to hold office provisionally, after his term has expired, until his successor is elected or appointed and has qualified.

**Section 7.12 Increase or Decrease of Compensation.** The Commission shall not grant or authorize extra compensation to any City officer, elective or appointive, or to any employee, agent or contractor, after the service has been rendered or the contract entered into. Nor shall the salary of any officer, elective or appointive, be increased or decreased after his election or appointment during any fixed term of office for which he was elected or appointed. Except as in this Charter or by law otherwise provided, the Commission shall set the compensations and conditions of employment of all elective or appointive officers and employees.

**Section 7.13 Oath of Office.** Every officer, elected or appointed, before entering upon the duties of his office shall take the oath prescribed by Section 2 of Article XVI of the Constitution of the State and shall file the same with the Clerk, together with any bond which he may be required by this Charter or by the Commission to give. In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such office shall thereupon become vacant unless the Commission shall, by resolution, extend the time in which such officer may qualify as above set forth.

**Section 7.14 Surety Bonds.** Except as otherwise provided in this Charter, the Commission may require

any officer or employee to give a bond, to be approved by the Commission, conditioned upon the faithful and proper performance of the duties of the office or employment concerned, in such sum as the Commission shall determine. All officers or employees who receive, distribute, or are responsible for the City funds shall be bonded. The resignation, removal, or discharge of any officers or employees, or appointment of another person to such office or employment, shall not exonerate such officer or employee or any sureties of such officer or employee from any liability incurred by such officer, employee, or sureties. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. Unless otherwise determined by a two-thirds vote of the Commission, bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, a new bond shall be furnished. The bonds of all officers and employees shall be filed with the Clerk, except that of the Clerk, himself which shall be filed with the Treasurer.

**Section 7.15 Business Dealings with the City.** An officer of the City who intends to have business dealings with the City, either directly or indirectly, whereby he may acquire from the City an income or benefit other than that provided as remuneration for his official duties, shall file with the Clerk a statement, under oath, setting forth the nature of his interest therein and that he knows of no reason why his participation therein is against the general welfare of the City; such statement shall be transmitted to the Commission and

shall be spread upon the proceedings of the Commission and published in full therewith. Confirmation of such contract or other business dealings shall be made by a two-thirds vote of the Commission. Any contract or other business dealings made with such person other than as above provided shall be void.

**Section 7.16 Giving of Surety**

**Bonds Forbidden.** No officer of the City shall give recognizance or give or become surety or be the agent of any surety, personal or corporate with respect to any bond required by this Charter, by any ordinance of the City or by any State law when action of the Commission is required for the granting of a license under the provisions of such State law.

**Section 7.17 Delivery of Office**

**and Its Effects by Officer to His Successor.** Whenever any officer or employee shall resign, or be removed from office, or the term of office for which he has been elected or appointed has expired, he shall, on demand, deliver to his successor in the office or to his superior, all books, papers, moneys, and effects in his custody which were obtained as a part of, or were necessary to the performance of, his duties as such officer or employee. Any person violating this provision shall be deemed guilty of a misdemeanor, and may be prosecuted therefore in the same manner as public officers generally for like offenses under the general laws of the State. In the event that there be no successor or superior, such books, papers, moneys, and effects shall be delivered to the Clerk and, in the case of the Clerk, the same shall be delivered to the Mayor.

Every officer and employee of the City shall be deemed an officer within the meaning and provisions of such general laws of the State for the purpose of this section.

## CHAPTER VIII

### The Administrative Service

**Section 8.1 Administrative Officers.** The administrative officers of the City shall be the Clerk, Treasurer, City Assessor, City Attorney, Health Officer, Chief of Police, Fire Chief, members of the Board of Review and such additional appointive officers as shall be provided for by ordinance and designated therein as administrative officers.

**Section 8.2 Appointment and Term.** All appointive administrative officers of the City shall be appointed by the City Commission. Except where a specific term is provided by this Charter or by the ordinance under which such appointment is made, appointive officers shall hold office at the pleasure of the City Commission.

**Section 8.3 Functions of the Clerk.**

a. The Clerk shall be the clerk of the Commission and shall attend all its meetings and keep a permanent journal in the English language, of every session of the Commission.

b. He shall keep a record of all ordinances, resolutions, and actions of the Commission which records shall be public.

c. He shall have power to administer all oaths required for municipal purposes by State law, this Charter, and the ordinances of the City.

d. He shall be custodian of all papers, documents, bonds, and records pertaining to the City of Walker, the custody of which is not otherwise provided for by this Charter.

e. He shall be custodian of the City seal and shall affix it to all documents and instruments requiring the seal of the city and shall attest the same.

f. He shall give ample notice to the proper officials of the City of the expiration or termination of any franchise, contract, insurance or agreement to which the City is a party and to City officers personally of the expiration of any official bonds required of them.

g. He shall certify by his signature all ordinances and resolutions enacted or passed by the Commission and perform any other duties as are required of him by State or Federal law, this Charter, or the ordinances and resolutions of the Commission.

h. He shall issue all licenses required to be issued by the ordinances of the City.

i. He shall be the chief elections officer of the City.

j. He shall keep and shall be the custodian of the books of account of the assets, receipts, and expenditures of all departments of the City.

k. With the advice and approval of the City Commission he shall prescribe a method of keeping accounts for all departments and offices of the City, which method shall be uniform, as near as practicable, and shall conform to the laws of the State.

l. He shall examine and verify all accounts and claims against the city, except claims for un-liquidated damages. He shall not sign any draft, check, or warrant until he has verified the correctness of the account for which the same is issued. He shall not allow the payment of any account unless the money has been appropriated therefor and allowed by the Commission; nor shall he sign any draft, check, or warrant for any account against the City unless sufficient money is in the fund against which it is drawn.

m. At least once a month and at any other time upon the direction of the commission he shall examine and verify all books of account kept by each officer, board, or department of the City.

n. He shall perform such other duties as may be prescribed for him by State or Federal law, this Charter, and by the ordinances or resolutions of the City Commission.

#### **Section 8.4 Functions of the Treasurer.**

a. The Treasurer shall have custody of all moneys of the City and all evidences of value belonging to the City or held in trust by the City.

b. Except as otherwise provided in this Charter, he shall receive all moneys

belonging to and receivable by the City that may be collected by any officials or employees of the City, including license fees, taxes, assessments, and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefore.

c. He shall keep and deposit all moneys or funds of the City in such manner and only in such places as the Commission may determine and shall report the same in detail to the Clerk.

d. He shall perform such other duties as may be prescribed for him by State or Federal law, this Charter, and by the ordinances or resolutions of the Commission.

**Section 8.5 Deputies of the Clerk and Treasurer.** The Clerk and Treasurer may appoint their own deputies subject to confirmation by the Commission. The Clerk and Treasurer may terminate the status of their deputies at their pleasure upon written notice to the Commission. Such deputies shall, in each case, possess all the powers and authorities of their superior officers except as the same may be from time to time limited by their superiors or by the Commission.

#### **Section 8.6 Functions of the Assessor.**

a. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by State law.

b. He shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter,

the ordinances of the City, or by State law.

c. The Assessor shall create and maintain a card index of all lots and parcels of land in the city. Such index shall set forth for each lot or parcel of land the legal description thereof and all information pertaining thereto and the improvements thereon which are pertinent to the valuation thereof, and such index shall be corrected annually to show the status thereof on tax day.

d. He shall perform such other duties as may be prescribed for him by State law, this Charter, or the ordinances of the City.

**Section 8.7 Functions of the City Attorney.** The City Attorney shall be the corporate counsel of the City. He shall give his opinion in writing when requested to do so by the Commission or the Mayor. He shall act as attorney for the City in actions or hearings in all courts and before all legally constituted tribunals or commission whenever the City is a party thereto or requires legal representation. He shall prepare or officially pass upon, in writing, before execution, all contracts, franchises, bonds, or other instruments in which the city is concerned. The salary or compensation shall be set by the Commission, and the Commission may pay additional special compensation for extraordinary or special undertakings, provided the special compensation is agreed to by the Commission and the City Attorney before the service for which such special compensation is to be paid has been rendered.

**Section 8.8 Special Legal Counsel.** The Commission may retain and compensate special legal counsel in relation to any special project, undertaking or litigation. Such counsel may be employed to work independently in the special matter or in cooperation with or as assistant to the City Attorney.

**Section 8.9 City Police.** The police forces of the City shall have and exercise all the immunities, privileges, and powers of police officers under the common law and statutes of the State for the preservation of quiet, good order, and for the safety of persons and property in the City. They shall have power to arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the City amounting to a breach of the peace and shall without unnecessary delay take such person before the proper magistrate or court for examination or trial.

**Section 8.10 Fire Fighting and Prevention.** Members of the fire fighting and prevention force of the City shall be appointed by the Fire Chief with the advice and approval of the City Commission. The Fire Chief and his subordinates shall be responsible for the use, care and management of the City's fire fighting apparatus and property under the direction of the Commission, and shall conduct such supervisory and educational programs within the City and with its inhabitants and industrial and business interests as will diminish the risk and potentiality of fires within the City. The Fire Chief, or any person lawfully acting in his stead, may

command any person present at a fire to aid in the extinguishments thereof and to assist in the protection of property thereat. If any person shall willfully disobey such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a violation of this Charter, which Charter constitutes the governing law of the City of Walker, and shall be subject to punishment therefore as in this Charter provided. The chief executive officer of the fire forces of the City, or any person lawfully acting in his stead, with the concurrence of the Mayor, or of any two Commissioners, may cause any building to be pulled down or destroyed when deemed necessary in order to arrest the progress of fire. Reimbursement by the City for the cost of any such building to persons having an interest therein shall be made in the manner provided by Section 11 of Chapter XXIX of Act No. 215 of the Public Acts of 1895, which section, insofar as it establishes the procedure for such reimbursement, is hereby adopted and made a part of this Charter by reference.

**Section 8.11 Functions of Other Administrative Officers.** The duties of all administrative officers, not otherwise provided for herein, shall be those established by law and by ordinance or resolution of the Commission.

## **CHAPTER IX**

### **Budget Procedure and General Finance**

**Section 9.1 Fiscal Year.** The fiscal and budget year of the City shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

**Section 9.2 Budget Procedure.** On or before the fifteenth day of February in each year, each City officer and department head shall submit to the Clerk an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The Clerk shall lay such estimates of expense before the Budget Committee on or before the twentieth day of February. There is hereby created a Budget Committee to be composed of the Mayor, who shall be chairman, and two other Commissioners who shall be appointed by the Mayor. The Budget Committee shall convene on or before the twentieth day of February in each year and shall prepare a complete itemized budget proposal for the next fiscal year of the City and submit it to the Commission on or before the first day of April preceding the fiscal year of the City. Such budget proposal shall not be acted upon by the Commission until the second meeting thereof in the month of April.

**Section 9.3 Budget Document.** The budget proposal shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

(a) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the last preceding fiscal year in full and for the current fiscal year to March

1, and estimated expenditures for the balance of the current fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year;

(b) Statements of the bonded and other indebtedness of the City showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds if any;

(c) Detailed estimates of all anticipated income of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to March 1, and estimated receipts for the balance of the current fiscal year.

(d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year;

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which together with any available unappropriated surplus and any revenue from other sources will be necessary to meet the proposed expenditures.

(f) Such other supporting schedules and other information as the Commission may deem necessary.

**Section 9.4 Budget Hearing.** A public hearing on the budget shall be held before its final adoption, at such time and place as the Commission shall direct, and notice of such public hearing

shall be published at least one week in advance thereof by the Clerk. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the Clerk for a period of not less than one week prior to such public hearing.

**Section 9.5 Adoption of Budget**

**– Tax Limit.** Not later than the first meeting of the Commission in the month of June, the Commission shall, by resolution, adopt a budget for the next fiscal year and shall in such resolution make an appropriation of the money needed for municipal purposes during the ensuing fiscal year and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes. Except as otherwise provided by State law, the annual ad valorem tax levy shall not exceed one-half of one per cent of the assessed valuation of all real and personal property in the City. Such levy may be increased in such amount and for such period as may be approved by a majority of the electors of the City voting on the question at the election at which the proposition to do so shall be submitted, but the increase in any case shall not be such as to cause such rate to exceed the maximum amount permitted by law. The limitation on the rate of taxation fixed herein shall be subject to the provisions of State law relative to the assessment and levy of taxes for the payment of the principal of and interest on bonds or other evidences of indebtedness issued by the City.

**Section 9.6 Funds for Public Improvements.** The Commission may establish and maintain a fund or funds for the purpose of appropriating, providing, setting aside, and

accumulating moneys to be used for acquiring, extending, altering or repairing public improvements which the City is authorized by law to acquire, alter, or enlarge. Moneys so appropriated, set aside, or accumulated shall not be transferred, encumbered, or otherwise disposed of, except for the purpose for which they were appropriated, set aside, or accumulated, unless approved by a vote of five members of the Commission.

**Section 9.7 Transfer of Operating Appropriations.** Except for purposes to be financed by the issuance of bonds, special assessments, or other purposes not chargeable to a budget appropriation, after the budget has been adopted no money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred for payment during the fiscal year to which such budget applies, except pursuant to a budget appropriation therefore. The Commission may transfer any unencumbered operating appropriation balance or any portion thereof from one City operating fund or account to another by majority vote. The balance in any budget appropriation, except such as may be appropriated for the payment of any debt of the City, which has not been encumbered at the end of each fiscal year shall revert to the general fund and shall be subject to the allocations made in the budget of the next fiscal year.

**Section 9.8 Budget Control.** At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the Clerk shall submit to the Commission data showing the relation between the estimated and actual income and

expenses to date. If it shall appear that the income of the City is less than anticipated, the Commission may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the income of the City.

**Section 9.9 Depository.** The Commission shall designate the depository or depositories for the City funds and shall provide for the regular deposit of all City moneys.

**Section 9.10 Claims Against City.** All claims against the City for materials, services, or for any other reason or purpose shall be filed with the Clerk, who shall audit the same and place such claims on a schedule thereof before the Commission with supporting the data concerning the authority for or basis of such claim and the budget fund or account against which it is to be charged, if allowed.

**Section 9.11 Notice to City of Claim for Injuries.** The City shall not be liable in damages for injury sustained by any person, either to his person or property, by reason of the negligence of the City, its officers or employees, when engaged in the governmental function, or by reason of any defective highway, public work, public service improvement or facility of the City, or by reason of any obstruction, ice, snow, or other encumbrance thereon, unless, within sixty days after such injury shall have occurred, such person or his representative shall serve or cause to be served upon the Clerk a notice in writing which shall set forth substantially the time and place of such injury, the manner in which it occurred, the nature

of the act or defect complained of, the extent of such injury as far as the same has become known the names and addresses of the witnesses known at the time to the claimant, and a statement that the person receiving such injury intends to hold the City liable for such damage as may have been sustained by him. No person shall bring any action against the City for any damages to person or property arising out of any of the reasons or circumstances aforesaid, unless brought within the period limited by law from the time such injury was sustained, and unless he shall have first presented to the Clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof which claim shall be presented to the Commission by the Clerk and the Commission shall be given an opportunity to act thereon either by allowing or refusing to allow the claim or by otherwise settling the claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the City, under this section, that the notice of injury and the verified proof of the claim, as in this section required, were not presented and filed within the time and in the manner as herein provided.

**Section 9.12 Withdrawal of Funds.** Unless otherwise provided by this Charter, all funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Commission and by checks or warrants signed by either of two officers of the City to be designated by resolution of the Commission, and countersigned by the Clerk. Each such check or warrant

shall specify the fund and account thereof from which it is payable and shall be paid from no other fund or account.

**Section 9.13 Independent Audit.** An independent audit shall be made of all accounts of the City government at least annually or more frequently if deemed necessary by the Commission. Such audits shall be made by public accounts to be appointed by the Commission and shall be completed within ninety days following the close of the fiscal year. The results of such audit shall be made public in such manner as the Commission may determine a copy thereof shall be placed in the office of the Clerk for public inspection at any reasonable time.

**Section 9.14 Municipal Borrowing Power.** Subject to the applicable provisions of State law and this Charter, the Commission by proper ordinance or resolution may authorize from time to time the borrowing of money on the credit of the City and the issuing of bonds therefore for any purpose or purposes within the scope of its powers: Provided, That the net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all of the real and personal property in the City: Provided further, That in case of fire, flood or other calamity, the legislative body may borrow for the relief of the inhabitants of the City and for the preservation of municipal property, a sum not to exceed three-eights of one per cent of the assessed value of all the real and personal property in the City, due in not more than five years, even if such loan would cause the indebtedness of the City to

exceed the limit fixed in this Charter: Provided further, That in computing the net bonded indebtedness for the purposes hereof, bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the City, mortgage bonds which are secured only by a mortgage on the property or franchise of a public utility, and bonds issued to refund monies advanced or paid on special assessments for water main extensions, shall not be included and the resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The Commission may borrow money and issue the bonds of the City therefore in anticipation of the payment of special assessments, which bonds shall be either an obligation of the special assessment district or both an obligation of the special assessment district and a general obligation of the City. All collections on special assessment rolls shall be set apart in a special fund and shall be used for the purpose for which they were levied and for the payment of the principal and interest on any bonds issued in anticipation of the payment of such special assessments. If there be any deficiency in the special assessment fund to meet the payment of any such principal and interest, moneys may be advanced from the general funds of the City to meet such deficiency and shall be replaced in such general fund when the special assessment fund shall be sufficient therefor.

Subject to the applicable provisions of State law, the Commission may borrow money and issue bonds

therefore, the principal and interest of which shall be paid solely from net revenues to be derived from the operation of the public improvement or improvements purchased, acquired, constructed, improved, enlarged, extended, or repaired by the use of the money so borrowed.

The City may issue mortgage bonds beyond the general limit of indebtedness prescribed by law for the purpose of acquiring, extending, or improving any public utility, for supplying water, light, heat, or power owned or operated by it, or which it is authorized to acquire: Provided, That such mortgage bonds, issued beyond the general limit of bonded indebtedness prescribed by law, shall not impose any liability upon the City but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise or foreclosure. Such mortgage bonds shall be sold to yield not to exceed six per cent per annum. In the event that any such mortgage bonds are sold by the City, there shall be created a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage at maturity.

The Commission may also borrow money at the faith and credit of the City to provide for the refunding from time to time, of moneys advanced or paid on special assessments imposed for water main extensions as buildings shall be connected with such water main

extensions, and for the issuance of bonds therefore due in not more than thirty years in the amount not to exceed fifty thousand dollars.

In accordance with the provisions of applicable law, the Commission may borrow money and issue bonds for the installation and connection of sewers and waterworks on and to property within the City, and assess the cost thereof to the several properties and make the same a lien thereon, and may borrow money and issue bonds in anticipation of the collection of such special assessments.

No bond of the City, regardless of type or purpose, shall bear interest at a rate to exceed six percent per annum.

**Section 9.15 Preparation and Record of Bonds.** All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor, countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Treasurer. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled."

**Section 9.16 Unissued Bonds.** No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than for which they were specifically authorized, and if any such bonds are not issued or sold within three years after authorization, such authorization shall, as to such bonds, be null and void.

### **Section 9.17 Deferred Payment**

**Contracts.** The City may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than five years, nor shall the total amounts of principal payable under all such contracts exceed the sum of one-sixth of one per cent of the total assessed valuation of the City in any one fiscal year. All such deferred payments shall be included in the budget for the year in which the installment is payable.

## **CHAPTER X**

### **General Taxation**

**Section 10.1 Power to Tax.** In order to carry out the purposes, powers, and duties of the City government as established by this Charter or permitted by law, the City may assess, levy and collect ad valorem taxes, and rents, tolls, excises or any other taxes permitted by law.

**Section 10.2 Subjects of Taxation and Tax Day.** The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law. Except as otherwise provided by this Charter, city taxes shall be levied, collected, and returned in the manner provided by State law. Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day for the ensuing year.

**Section 10.3 Jeopardy Assessments.** If the Treasurer finds or reasonably believes that any person who

is or may be liable for taxes upon personal property, the taxable situs of which was in the City on tax day, designs to depart from the City, or to remove there-from personal property which is or may be liable for taxation, or to conceal himself or his property or to do any other act tending to prejudice or to render wholly or partly ineffectual the proceedings to collect such tax unless proceedings therefore be brought without delay, he shall cause notice of such finding to be given such person, together with a demand for the immediate payment of such tax. Thereupon, such tax shall become immediately due and payable and the Treasurer shall have and exercise all the powers privileges, and prerogatives granted by law to township and city treasurers for the collection thereof. If the exact amount of any such tax has not at the time of such finding, been determined because the same has not at the time been spread upon any tax rill or tax rolls, the Treasurer shall estimate the amount of the tax upon such personal property and such estimate shall be deemed to be the amount of tax upon such property which, together with other taxes which have accrued thereon, shall become payable as hereinabove provided. The tax so estimated by the Treasurer shall, upon the giving of the notice herein provided for, become a lien upon the property liable for such tax. Such lien shall be of the same type and legal effect as the lien upon personal property provided in Section 10.15 of this chapter. If such estimate of the Treasurer shall be in excess of the amount of tax spread against such property upon the tax roll or tax rolls aforesaid, he shall refund such excess upon the demand of the person from whom collected or his legal

representative. If such person furnishes evidence satisfactory to the Treasurer, by bond or otherwise, that he will duly pay the tax or taxes to which the Treasurer's finding relates, then such tax or taxes shall not be payable prior to the time otherwise fixed for the payment thereof.

**Section 10.4 Assessment.** The Assessor shall place a value in accordance with State law upon all property, both real and personal, in the City which is subject to taxation. Such valuation of property shall be in accordance with established assessment rules, techniques, and procedures. Whenever in this Charter reference is made to assessed value, the same shall be deemed to mean such value as equalized under State law.

**Section 10.5 Commission to Furnish Forms, Files and Supplies.** The Commission shall supply the Assessor with all forms, files, indexes and supplies which it shall deem to be required for establishing and maintaining a record of all real and personal property in the City and a continuing assessment of the value thereof.

**Section 10.6 Time for Making Assessment Rolls.** Prior to the first meeting of the Board of Review in each year, the Assessor shall make and complete an assessment roll in the manner and form provided in the general tax law of the State. He shall notify the owners or persons to whom taxes are assessed, according to the records of his office, of any increase or decrease made by him in the assessed valuation of their real property as compared to such valuation for the previous year. Such notice shall be by first class mail, placed in the United States Post Office not later than five days preceding the convening

of the Board of Review to review such assessments. Neither the failure on the part of the Assessor to give such notice nor the failure of any person to receive such notice shall invalidate the assessment roll or any assessment thereon.

**Section 10.7 Board of Review.** The Board of Review shall be appointed by the Commission for a term of one year and shall consist of three persons who are electors and taxpayers of the City and have been residents of the City for not less than three years. The Commission shall set the compensation of the Board of Review and such compensation shall be a stated amount for each day that the Board of Review shall meet.

**Section 10.8 Meeting of the Board of Review.** The Board of Review shall meet on the first Tuesday following the first Monday in March of each year at such place and time as shall be designated by the Commission and shall continue in session from day to day for the purpose of considering and correcting the rolls, for two days, and as much longer as may be necessary. The Board shall remain in session during such hours as the Commission may designate, but not less than six hours on each of said two days. The Board of Review shall hold a meeting on the fourth Monday of March and at that meeting shall complete the review of the assessment roll submitted to it and shall endorse and approve the same as provided and required by law. If, for any cause, a quorum of the Board of Review does not assemble, or in the event that such Board shall fail or refuse to act during the days above mentioned, the roll as prepared by the Assessor shall

stand as if approved by the Board of Review.

**Section 10.9 Notice of Meetings.** The Clerk shall give notice to the public of the time and place of the meeting of the Board of Review by publication, at least once, not less than two weeks immediately preceding such meeting.

**Section 10.10 Organization and Functions of the Board of Review.** One the first day of its first meeting in each year, the Board of Review shall elect one of its members chairman and one of its members secretary. The Assessor shall attend its meetings but shall not have the right to vote upon any decision of the Board. It shall be the duty of the secretary to keep a permanent record of all the proceedings of the Board. The members of said Board shall be officers of the City and shall take the constitutional oath of office which shall be filed with the Clerk. A majority of the members of the Board shall constitute a quorum. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are, by general tax law, conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments and, if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it shall deem fit. In all cases, the assessment roll shall be reviewed according to the facts existing on the tax day of the year for which such

roll is made and no change of the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by State law, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll.

**Section 10.11 Endorsement of Roll – Validity.** After the Board shall have completed its review of the assessment roll, a majority of its members shall immediately endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not effect the validity of such roll. Upon the completion of said roll and from and after midnight ending the last of the meeting of the Board of Review, the same shall be the assessment roll of the City for the county, school and city taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the State.

**Section 10.12 Clerk to Certify Levy.** Within three days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general ad valorem tax, together with such other assessments and other lawful charges as the Commission shall authorize to be spread against or charged to property and persons appearing upon such roll.

**Section 10.13 City Tax Roll.**

After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll", and upon receiving the certification of the amount to be raised, as provided in the preceding section, the Assessor shall proceed to spread the amounts of the general ad valorem city tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in the computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by State law, which added amount when collected shall be credited to the general funds of the City. Any excess created thereby on any tax roll shall belong to the City. For convenience, the City tax roll may be divided into volumes. Assessments and other lawful charges authorized by the Commission to be spread against or charged to property or persons upon such roll shall be so spread and charged upon such roll as directed by the Commission.

**Section 10.14 Tax Roll**

**Certified for Collection.** After extending the taxes, the Assessor shall certify said tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to him for the purpose of collecting the taxes, assessments, and charges on such roll all the power and immunities possessed by township treasurers for the collection of taxes under the general laws of the State.

**Section 10.15 Taxes Lien on Property.** The City taxes thus assessed against personal property shall become at once a debt to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances, and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment or otherwise, and whether arising before or after property taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

**Section 10.16 Notification of Taxes Due.** The Treasurer shall not be required to make personal demand for the payment of taxes, but notice shall be given to the taxpayers of the City by forwarding a statement of taxes due by first class mail addressed to the several owners or occupiers of the property upon which taxes are assessed according to the names of such owners and addresses as indicated on the tax roll, which notice shall be deemed sufficient demand for the payment of all taxes on said roll. Neither the failure on the part of the Treasurer to give said notice nor the failure of any person to receive such

notice, shall invalidate the taxes on said tax roll nor release any person or property assessed from the penalty provided in this chapter in case of nonpayment of the same.

**Section 10.17 Tax Payment Schedule.** The City taxes shall be due on the first day of July in the fiscal year when levied. All taxes paid shall be collected with a collection fee at a rate to be fixed by the Commission. Such collection fees shall be collectable in the same manner as taxes, assessments, and charges to which they are added. All such collection fees shall be paid into the general fund of the City.

**Section 10.18 State, County, and School Taxes.** For the purpose of assessing and collecting taxes in the City for state, county and school purposes, the City shall be considered the same as a township, and all provisions of State law relative to the collection of such taxes and fees to be paid therefore, the accounting therefore to the appropriate taxing units, and the returning of taxes to the county treasurer for nonpayment thereof shall apply to the performance thereof by the Treasurer, who shall perform the same duties and have the same powers as township treasurers under State law except that collection fees allowed by law shall be paid into the general fund of the City. In the event that school taxes or any part thereof are collected at the same time as City taxes, they shall be collected subject to the same privileges and conditions as City taxes under the provisions of this Charter.

**Section 10.19 Lien for Taxes, Assessments, and Charges.** All taxes, assessments, charges, and fees levied,

spread, or charged on any such tax rolls shall be and remain a lien upon the property until paid.

**Section 10.20 Apportioning of Tax on Portion of Taxed Item.** Any person owning an undivided share or other part of any parcel of real property assessed in one description may pay the taxes assessed against such description or may pay the share or part owed by him by paying an amount having the same relation to the whole tax as the value of the part on which payment is made bears to the value of the whole description, and the receipt given and the record of the receiving officer shall show that such payment was made and the claimed interest upon which it was made.

**Section 10.21 Tax Roll to County Treasurer.** All Taxes, special assessments, charges, and collection fees on the City tax roll which remain unpaid on the first day of March following the date when said roll was received by the Treasurer shall, on that date, become delinquent and shall be returned to the county treasurer at the time and in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges which shall in such return be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees thus returned shall be collected in the same manner as taxes returned to the county treasurer are collected under the provisions of the general laws of the State and shall be and remain a lien upon

the lands against which they are assessed until paid.

**Section 10.22 Protection of a City Lien.** The City shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the State, to acquire by purchase any premises within the City at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when the purchase of such property is necessary to protect the lien of the City for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same. Any such procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose.

## CHAPTER XI

### Elections

**Section 11.1 Qualification of Electors.** Each person who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing regular or special City election, shall be entitled to register as an elector of the City in the election precinct in which he resides.

**Section 11.2 Election Procedure.** All primary and general City elections for the nomination and election of officer of the City shall be nonpartisan. The general election laws of the State shall apply to and control, as near as may be, all procedures relating to

registration and City elections, except as such general laws relate to political parties or partisan procedures or require more than one publication of notice, and except as otherwise provided by this Charter. The compensation of all election personnel shall be determined by the Commission.

**Section 11.3 Regular City Elections.** A nonpartisan regular City election shall be held on the same day as the State biennial spring election held in every odd numbered year.

**[Pursuant to MCL 168.642, the City now holds its City primary election in August and its regular City election in November of odd-numbered years.]**

**Section 11.4 Special Elections.** Special City elections shall be held when called by resolution of the Commission adopted at least forty five days in advance of such election, or when required by this Charter or the general laws of the State. Any resolution calling a special election shall set forth the purpose of such election. No more special elections shall be held in any year than are otherwise permitted by State law.

**Section 11.5 Primary Election.** A nonpartisan City primary election shall be held on the date prescribed by State law for the holding of general biennial spring primary elections. If, upon the expiration of the time for filing nomination petitions for any elective City office, it appears that petitions have been filed for no more than twice the number of candidates to be elected to such office, then no primary election shall be held with respect to such office, and the Clerk shall publish notice of such fact. As to any office with respect

to which no primary is required to be held, those persons named in petitions as candidates for election to such office shall be certified by the Clerk to the election commission to be placed upon the ballot for the next subsequent regular City election. In any City primary election required to be held for a particular office, a candidate who receives a majority of all the votes cast for candidates for that office shall be declared elected and the Clerk shall publish notice of such fact. For purposes of the term of office in Section 2.2 of the Charter, such a candidate shall be elected as of the date of the regular City election. If no candidate receives a majority of all votes cast for candidates for that office at the City primary election, then the candidates in number equal to twice the number of persons to be elected to that office who receive the highest number of votes shall be declared the nominees for election to that office at the next regular City election. No person whose name is not printed on the primary election ballot, but whose name is written thereon or appears on the ballot on a sticker pasted thereon at such election, except such stickers as have been placed thereon by the election commission as provided by law, shall be nominated for election to any office unless he shall receive at least twenty-five votes nominating him for such office.

**[Pursuant to MCL 168.642, the City now holds its City primary election in August and its regular City election in November of odd-numbered years.]**

**Section 11.6 Election Commission.** An election commission, consisting of the Clerk and two other persons appointed by the Commission at its first meeting in January of each year

for a one year term, is hereby created. The Clerk shall be chairman, and two members shall constitute a quorum for the conduct of the business of the election commission. The commission shall have charge of all activities and duties required of it by State law and this Charter relating to the conduct of elections in the City. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to follow.

#### **Section 11.7 Notice of Election.**

Notice of the time and place of holding any City election and of the officers to be elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the State election laws for the giving of notices by township clerks in the case of State elections, except that no second publication of notice of any such election shall be required.

#### **Section 11.8 Voting Hours.**

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at State elections.

#### **Section 11.9 Nomination**

**Petitions.** The method of nomination of all candidates for the City election shall be by petition. Such petitions shall be signed by not less than fifty nor more than one hundred registered City electors when the office is to be filled by the electors of the City as a whole, and by not less than twenty-five nor more than fifty registered City electors of the particular ward when the office is to be filled by the electors of a ward. Such petitions shall be filed with the Clerk not later than twelve o'clock noon on the fourth Saturday prior to the date of the

regular City primary election or the date of any special election for the filling of a vacancy in the office. Official blank petitions, in substantially the same form as required by State law or designated by the Secretary of State for nonpartisan judicial officers, shall be prepared and furnished by the Clerk and must be used by all candidates. Before the Clerk shall furnish nomination petitions to any person he shall enter thereon the name of the person in whose behalf the petition is to be circulated and the name of the office for which he is to be a candidate, and no petition which has been altered with respect to such entries shall be received by the Clerk for filing under the provision of this section. Nomination petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which the petition is to be circulated. The Clerk shall publish notice of the last day, time and place for filing nomination petitions at least one and not more than three weeks before that date. No person shall sign his name to a greater number of petitions for any one office to be filled at a primary or other City election than there will be persons elected to said office. Where any name appears on more than such number of petitions for any office, such name shall not be counted upon any petition for that office.

#### **Section 11.10 Approval of**

**Petitions.** The Clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective City officers by this Charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they shall be accepted for filing only when

accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The Clerk shall, before twelve o'clock noon on the Tuesday following the final filing date, determine the sufficiency of the signatures of each petition filed, and if he finds that any petition does not contain the required number of signatures of registered electors he shall immediately notify the candidate in writing of the insufficiency of his petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order" with the date thereof and he shall immediately so notify the candidate whose name appears thereon in writing.

#### **Section 11.11 Form of Ballots.**

The form, printing, and numbering of ballots used in any City primary or other election shall conform, as nearly as may be, to that prescribed by or in accordance with State law, except that no party designation or emblem shall appear thereon. The names of qualified nominees for each office shall be listed under a separate heading for each office and shall be rotated on the ballots: Provided, That for any of such candidates who is an incumbent in such office, such candidate shall be designated "Incumbent".

#### **Section 11.12 Canvass of**

**Votes.** The members of the Commission shall be the board of canvassers to canvass the votes cast at the City primaries and other elections: Provided, That if any of such persons are candidates for office at an election to be canvassed, such person shall not be a member of the board of canvassers at such election. Upon any election, if the

board of canvassers shall be reduced to less than three members who are able to act, the remaining member or members shall appoint pro tem from the qualified and registered electors of the City additional members to the board of canvassers who shall not be candidates for office to canvass the votes at said election. A majority of the members of such board, as so constituted, shall be a quorum for the transaction of the business of the board. The board of canvassers shall meet on the first Wednesday after each city primary and other election and publicity canvass the returns of such primary or other election and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been nominated for election or elected.

**Section 11.13 Tie Vote.** If, at any City primary or other election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the Commission shall name a date for the appearance of such persons for the purpose of determining the nomination or election of one of such persons by lot as provided by State law. Should any person or persons fail or refuse to appear in person or by representative to determine the result of any tie election at the time and place named by the Commission, such determination shall be made by lot in his or their absence at the direction and under the supervision of the Commission. Such determination shall, in any event be final.

**Section 11.14 Recount.** A recount of the votes cast at any City primary or other election for any office or upon any proposition may be had in

accordance with the general election laws of the State. In the event that a recount is held with respect to the election or nomination of any person who is a candidate for the office of Mayor or Commissioner, and such person holds a City office, such person shall not serve as a member of the board of canvassers during such recount.

## **CHAPTER XII**

### **Utility Franchises and Municipal Ownership**

**Section 12.1 Public Utility Franchises.** All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the City:

- (a) To repeal the same for misuse or nonuse, or for failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and the maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To impose such other regulations as may be determined by the Commission to be conducive to the

health, safety, welfare, and accommodation of the public;

(f) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the City, by the City and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore: Provided, That in the absence of agreement upon application by any public utility the Commission shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore;

(g) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City as shall arise from its use thereof and to protect and save the City harmless from all damages arising from said use.

**Section 12.2 Franchise and Contracts.** Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the City for any purpose shall be complete in the form in which it is finally passed and remain on file with the Clerk for public inspection for at least four weeks before the final passage or adoption thereof or approval for referral to the electorate. No exclusive franchise shall ever be granted. No irrevocable franchise shall be granted by the City unless such proposition shall have first received the affirmative vote of at least three-fifths of the electors of the City voting thereon at a regular or special election. No such

franchise ordinance or resolution shall be approved by the Commission for referral to the electorate until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Commission unless the expense of holding such election as determined by the Commission, shall have first been paid to the Treasurer by the grantee.

A franchise ordinance or ordinance granting or authorizing the granting of a license to use or occupy the streets of the City for public utility purposes which is subject to revocation at the will of the City may be enacted by the Commission without referral to the voters, but shall not be enacted nor become operative unless it shall have been complete in the form in which it is finally enacted and remain on file with the Clerk for public inspection for at least four weeks before the final enactment thereof.

**Section 12.3 General Powers Respecting Municipal Utilities and Services.** The City shall possess and hereby reserves to itself all the powers granted to cities by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, hospitals and public utilities, including but not by the way of limitation, public utilities for treating and supplying water, and for supplying light, power, sewage treatments, and garbage disposal facilities, or any of them, to the City and its inhabitants; and also to sell and deliver water, light, power, and other public utility services

without its corporate limits to an amount not exceeding the limitations set by or under authority of law: Provided, that no tax shall be levied for the provision of any public utility service unless a majority of the electors of the City, voting on the question, shall authorize the City to furnish such utility service. The power to supply, as herein possessed and reserved, shall include the power to extract and process water or to purchase the same from others.

**Section 12.4 Management of Utilities of the City.** The Commission shall provide by ordinance for the management, maintenance, improvement, and operation of the utilities of the City, which management and operation shall be under the general supervision and responsibility of an officer of the City who shall be designated by the Commission.

**Section 12.5 Utility Charges.** The Commission shall fix the rates to be charged for all public utility services under its control. When any person shall fail or refuse to pay to the City any sums due on utility bills, the service upon which such delinquency exists may be shut off or discontinued by the proper authority or department of the City and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction.

**Section 12.6 Lien for Delinquent Utility Charges.** Except as otherwise provided or limited by State law, the City shall have as security for the collection of all charges for utility services a lien upon the premises to which such utility services were supplied. Such lien shall become effective immediately upon the

distribution or supplying of such utility service or services to such premises. The Commission may also provide by ordinance such additional procedures as may be required for the collection of public utility charges and for such purpose shall have all of the powers granted to cities by Act No. 178 of the Public Acts of 1939, as amended.

## **CHAPTER XIII**

### **Public Improvements**

#### **Section 13.1 City May Perform**

**Public Work.** The Commission shall have power to do any public work or make any local or public improvement by the employment of the necessary labor and the purchase of the necessary supplies and material with separate accounting as to each improvement so made, or to do such work by contract. The Commission shall also have power to do any public work or make any local or public improvement under any legally constituted plan under which labor is furnished by any other governmental unit, any department or agency of the United States or the State of Michigan or which is wholly or in part financed by them or any of them.

#### **Section 13.2 Petitions for Local**

**or Public Improvements.** Petitions for the making of local or Public improvements within the City shall be received by the Clerk and may be considered by the Commission at any time.

#### **Section 13.3 General Powers**

**Relative to Special Assessments.** The Commission shall have the power to determine the necessity of any local or public improvement and to determine

that the whole or any part of the cost thereof shall be defrayed by special assessment upon the property especially benefited and shall so state by resolution, which resolution shall also state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments and what part, if any, shall be a general obligation of the City, the number of installments in which assessments may be paid and shall designate the district or land and premises upon which special assessments shall be levied: Provided, That no special assessment district shall be created nor shall any special assessment be levied if the owners of more than one-half of the property in such proposed special assessment district, after notice of a proposal to create such district is given by mail, object in writing to the creation of such special assessment district or to the levy of such special assessments and file such written objections with the City Clerk at or prior to the hearing on necessity.

#### **Section 13.4 Procedure Fixed**

**by Ordinance.** Subject to the provisions and restriction of Section 13.3 hereof, the Commission shall have the power to prescribe by general ordinance a complete special assessment procedure concerning plans and specifications, estimate of costs, notice of hearing, the making of the assessment roll and the correction of errors, the collection of special assessments and any other matters concerning the making of improvements by the special assessment method. Such ordinance shall also provide for hearings by the Commission on the necessity of the proposed improvement and upon the special assessment roll therefore for the final

determination of the Commission to proceed with the making of any such improvement, for the making and completion of special assessment rolls, the collection of amounts set forth on special assessment rolls in one or more, but not to exceed thirty, annual installments, and for the keeping of account of moneys collected for such public improvements. Such ordinance may also provide for defraying the cost of laying sidewalks and the abatement of nuisances by levying special assessments upon the property especially benefited or from which a nuisance is removed.

**Section 13.5 Reassessment for Benefits.** Whenever the Commission shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatsoever, in whole or in part the Commission shall have power to proceed from the last step at which the proceedings were legal and to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall, to that extent, be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.

**Section 13.6 Additional Procedures.** In any case where the provisions of this Charter may prove to be insufficient to carry into full effect the making of any special assessment, the Commission shall provide by ordinance any additional steps or procedures which may be required to effect the improvement by special assessment.

**Section 13.7 Nuisances.** The Commission may by ordinance declare acts or conditions which are or may be dangerous to the health, safety, or welfare of the inhabitants of the City to constitute hazards or nuisances, and shall, in such ordinance or ordinances, provide for the abatement thereof and may also provide that the costs of such abatement be charged against the real property on which the hazard or nuisance is located and the owner thereof as a special assessment.

**Section 13.8 Hazards Constituting Nuisances.** When any lot, building or structure within the City, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or of age or dilapidation, or because of any other conditions or happening becomes, in the opinion of the Commission, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City or of those residing or habitually going near such lot, building or structure, the Commission may, after investigation, give notice thereof by publication, by personal service or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists or to the owner of the building or structure itself.

Such notice shall specify the nature of the nuisance and require such owner to alter, repair, tear down, abate, or remove the nuisance promptly or within a time to be specified by the Commission which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Commission may order such hazard or nuisance abated by the proper department or agency of the City which is qualified to do the work required or may do the work by contract or by hire. The cost of such abatement shall be determined by the Commission which may order the same to be assessed against the real property upon which such hazard or nuisance is located by special assessment. The Commission shall determine the person, if known, against whom and the premises upon which the same shall be levied as a special assessment. As often as the Commission shall deem it expedient, it shall require all of the several amounts so determined and reported to it, and the several lots or premises and the persons chargeable therewith, respectively, to be notified by the Clerk, either by personal service, by registered mail sent to their last known address as shown on the assessment roll of the City, or by publication. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made to the Treasurer. In all cases where payment is not made within the time limit, the same shall be reported by the Treasurer to the Assessor who shall spread such amounts charged against the several persons or

descriptions of real property chargeable therewith on the next roll for the collection of City taxes. The provisions of this section shall not prevent the Commission from abating nuisances in any manner provided or permitted by law.

## CHAPTER XIV

### Interpretive and Limiting Provisions

**Section 14.1 City Records.** All records of the City shall be public.

**Section 14.2 Tense.** Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made therein either as a power, immunity, requirement, or prohibition.

**Section 14.3 Number and Gender.** As used in this Charter, every word importing the singular number only may extend to and embrace the plural number and every word importing the plural number may be applied and limited to the singular number. Every word importing the masculine gender only shall be extended and applied to the feminine as well as the masculine gender.

### Section 14.4 Definitions.

a. The word “person” may extend and be applied to bodies corporate and politic and to partnerships, associations

and joint adventures, as well as to individuals.

b. Except as otherwise provided or permitted in this Charter or by State law, the terms "publication," "publish," and "published" shall mean publication in a newspaper which is circulated within the City and which is qualified by law to publish legal advertisements.

c. The words "statute" and "State law" shall mean the statutes and laws, including the Constitution, of Michigan.

**Section 14.5 Estoppel.** No official of the City shall have the power to make any representation or recital of fact in, or which may be deemed to constitute a part of, any franchise, contract, document, or agreement contrary to any public record of the City. Any such representation shall be void and of no effect as against the City.

**Section 14.6 Severability.** Should any provision or section, or portion thereof, of this Charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or section; it being hereby declared to be the intent of the Charter Commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any part of the charter, except that specifically affected by such holding.

**Section 14.7 Amendments.** This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, or this

Charter. Should any two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to these provisions.

## **Schedule**

**Section 1. Status of Schedule Chapter.** The purpose of this schedule chapter is to inaugurate the government of the City of Walker under this Charter and it shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

**Section 2. Election to Adopt This Charter.** This Charter shall be submitted to a vote of the qualified and registered electors of the City of Walker as described herein at the same time as the regular State and Federal biennial fall election to be held on the first Tuesday after the first Monday in November 1962. The polling places for said election shall be in the same place in each precinct as the polling place for the State and Federal election held at the same time. This election shall be conducted by the township officials charged with the conduct and supervision of the State and Federal biennial fall election of 1962, and such officials are hereby appointed inspectors of election for the vote on this Charter and for the City officials to be elected. The vote shall be canvassed by a board of canvassers appointed by the Charter Commission in accordance with the statute.

**Section 3. Form of Ballot.** The form of the ballot on submission of this Charter shall be substantially as follows:

Instruction—A cross (x) in the square after the word “Yes” is in favor of the adoption of the proposed Charter and a cross (x) in the square after the word “No” is against the adoption of the proposed Charter.

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Shall the proposed Charter of the City of Walker drafted by the Charter Commission which was elected on April 2, 1962, be adopted?

YES   
NO

**Section 4. Effective Date of This Charter.** For all purposes not otherwise provided for herein, this Charter shall take effect on the date it and the supporting resolutions and certificates showing its adoption by the electorate are filed with the Secretary of State and with the Clerk of the County of Kent.

**Section 5. First Officers Under the Charter.** The first election of officers provided for in this Charter shall be held at the same time as the regular State and Federal biennial fall election held on the first Tuesday after the first Monday in November, 1962. At this election the qualified and registered electors of the proposed City of Walker shall be entitled to vote for not more than one candidate for the office of Mayor, Clerk, Treasurer, and for two candidates for the office of Commissioner from each of the three wards, two candidates for the office of Supervisor, one candidate for the office of Justice of the Peace and two candidates for the office of Constable.

The candidate for the office of Mayor, Clerk, Treasurer, and Justice of the Peace receiving the highest number of votes for such office shall be declared elected for a term beginning at the time this Charter becomes effective and continuing until eight o'clock P.M. on the Monday next following the biennial spring election in 1965.

The candidate for the office of Commissioner from each of the wards, the candidate for the office of Supervisor and the candidate for the office of Constable receiving the highest number of votes for such office shall be elected for a term beginning at the time this Charter becomes effective and continuing until eight o'clock P.M. on the Monday next following the biennial spring election in 1965.

The candidate for the office of Commissioner from each of the wards, the candidate for the office of Supervisor and the candidate for the office of Constable receiving the second highest number of votes for such office shall be elected for a term beginning at the time this Charter becomes effective and continuing until eight o'clock P.M. on the Monday next following the biennial spring election in 1963.

After this election the provisions of this Charter relative to elections and terms of elective officers shall govern.

**Section 6. Nomination of Candidates for Elective Offices.** Candidates for the elective offices to be voted upon at the election provided for in this chapter shall be nominated by petition in form, manner and substance as set forth in this Charter, except that the petition shall be filed with the

Walker Township Clerk who shall perform all duties in connection therewith as are required by the City Clerk by this Charter, and the nomination petitions shall be filed not later than noon of the 4<sup>th</sup> day of September, 1962. Official nomination petition forms shall be furnished by the chairman of the Charter Commission to the Walker Township Clerk and shall be available to interested persons at the Clerk's office on and after August 1, 1962.

Qualifications for elective office shall be the same as those provided in this Charter, except that for purposes of this election the word "City" shall mean that part of Walker Township described in Section 1.1 of this Charter.

The secretary of the Charter Commission shall publish in a newspaper of general circulation in the proposed City of Walker a notice of the time within which nomination petitions must be filed, the number of signatures required, and the number of persons to be elected to each office to be voted on at such election in accordance with the provisions of this Charter for the publication of such notices. The names of those candidates who file valid, proper and sufficient nominating petitions, and have the qualifications required for the respective offices, shall be certified by the Township Clerk to be placed upon the official ballot for such election.

CITY OF WALKER  
CHARTER COMMISSION  
By  
Evelyn M. Jonker,  
Secretary

Dated: October 10, 1962

### **Resolution of Adoption**

At a meeting of the Charter Commission of the City of Walker held on June 29, 1962, the following members of the Charter Commission were present: Briggs, Brummel, Goodwin, Jonker, Roberts, Stanton and Versluis; two Commissioners absent.

The following resolution was offered by Commissioner Versluis and seconded by Commissioner Robert:

**RESOLVED**, That the Charter Commission of the City of Walker does hereby adopt the foregoing instrument as the proposed Charter of the City of Walker, and the Clerk of this Commission is hereby instructed to transmit the same to the Governor of the State of Michigan for approval in accordance with the provisions of Act No. 279 of the Public Acts of 1909.

Upon a vote being taken, the resolution was carried by unanimous vote of all those present.

S/ Evelyn Jonker  
Evelyn Jonker  
Clerk of the Charter Commission  
Of the City of Walker

Attested by the following commissioners:

S/ Howard F. Roberts  
S/ Philip P. Versluis  
S/ Clifford M. Briggs  
S/ Harry G. Brummel  
S/ David Goodwin, Sr.  
S/ Howard G. Stanton  
S/ Edward F. Vander Lind

S/ Adrian J. Stehouwer

All of the Commissioners having attested to the said minutes as set forth above and also having attested to the copy to be signed by the Governor, the meeting was adjourned subject to the call of the chairman.

### Resolution

At a meeting of the Charter Commission of the City of Walker held on June 29, 1962, the following members of the Charter Commission were present: Briggs, Brummel, Goodwin, Jonker, Roberts, Stanton, Stehouwer, Vander Lind, Versluis; no Commissioners absent.

The following resolution was offered at such meeting by Commissioner Goodwin, and seconded by Commissioner Brummel;

**RESOLVED**, That the Charter Commission of the City of Walker does hereby cause to be inserted in Charter Section 9.11 the words "when engaged in a governmental function," the insert to follow the word "employees" and to precede the words "or by reason" in the first sentence of said section.

Upon vote being taken, the resolution was carried by unanimous vote of all those present.

The following further resolution was then offered by Commissioner Briggs, and seconded by Commissioner Vander Lind:

**RESOLVED**, That the following clerical correction be made in the

original draft of the Charter of the City of Walker:

(a) In Section 1.1 there shall be inserted following the legal description the words "all in Walker Township, Kent County, Michigan."

(b) In schedule Chapter, Section 4, the words "filed with the Governor" shall be deleted and the words "filed with the Secretary of State and with the Clerk of the County of Kent" shall be substituted in lieu thereof.

Upon vote being taken, the resolution was carried by unanimous vote of all those present.

S/ Evelyn Jonker  
Evelyn Jonker  
Clerk of the Charter Commission  
Of the City of Walker

Attested by the following Commissioners:

S/ Harry G. Brummel  
S/ Howard F. Roberts  
S/ Clifford M. Briggs  
S/ Edward F. Vander Lind  
S/ Howard G. Stanton  
S/ Philip P. Versluis  
S/ David Goodwin, Sr.  
S/ Adrian J. Stehouwer

All of the Commissioners having attested to the said minutes as set forth above, the Commission was adjourned subject to the call of the Chairman.

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